

To: Lombardo, Ginny[Lombardo.Ginny@epa.gov]; Stanley, Elaine[stanley.elainet@epa.gov]
Cc: Barczynski, Hoshaiiah[barczynski.hoshaiah@epa.gov]; Tisa, Kimberly[Tisa.Kimberly@epa.gov]
From: Catri, Cindy
Sent: Mon 12/19/2016 9:34:56 PM
Subject: Confidential - RE: Aerovox letter

Confidential
Attorney-Client Privilege

I had also left a message for Dawn last Thursday and Friday. She got back to me via voicemail late Friday: Gary's letter invoking dispute resolution puts a wrinkle in getting DEP's letter out and requires recrafting of the letter. Given DEP's dispute resolution workload, she was unable to provide a date when the letter would issue.

I called her back for more info today but haven't heard back.

According to the State/AVX agreement:

AVX provides written notice invoking DR within 5 days after obtaining knowledge of the dispute, otherwise DR is waived. (Received agenda with denial on 12/7; met on 12/8. AVX gave notice on 12/12)

Parties meet/call within 10 days of DEP's receipt of notice (using above dates that would be by 12/22)

Within 10 days of meet/call, if not resolved, AVX provides written statement of position (SOP) to DEP or DR is waived (presumably somewhere in the week of 1/7 given the holidays and weekends)

Within 14 days of AVX's SOP, DEP provides AVX with SOP (around the week of 1/21?)

Simultaneously, both SOPs are submitted to DEP Regional Director (Millie) or her designee (Gerard?). Decision is made based on SOPs and other relevant info, including meetings. This is a final decision, binding on both parties. It is not subject to administrative or judicial appeal or review. (no deadline for decisionmaking)

We will have to see if DEP considers the AVX 12/12 as the start date since it hasn't issued its final decision letter on Phase 3 yet. Many questions left unanswered...

-----Original Message-----

From: Lombardo, Ginny
Sent: Monday, December 19, 2016 9:24 AM
To: Catri, Cindy <Catri.Cynthia@epa.gov>; Stanley, Elaine <stanley.elainet@epa.gov>
Cc: Barczynski, Hoshaiiah <barczynski.hoshaiah@epa.gov>; Tisa, Kimberly <Tisa.Kimberly@epa.gov>
Subject: FW: Aerovox letter

FYI

-----Original Message-----

From: Gallagher, Angela (DEP) [mailto:angela.gallagher@state.ma.us]
Sent: Monday, December 19, 2016 8:47 AM
To: Lombardo, Ginny <Lombardo.Ginny@epa.gov>
Subject: RE: Aerovox letter

Hi Ginny,

Gerard and Dawn are in the process of reviewing it. I don't have a hard date at this point to provide you regarding when it will be issued.

Thanks,

Angela Gallagher
Bureau of Waste Site Cleanup
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, Massachusetts 02347
Phone: 508-946-2790
Fax: 508-947-6557

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-----Original Message-----

From: Lombardo, Ginny [mailto:Lombardo.Ginny@epa.gov]
Sent: Friday, December 16, 2016 3:34 PM
To: Gallagher, Angela (DEP)
Subject: Aerovox letter

Hi Angela-
Checking in on the status of the DEP letter to AVX on phase 3. Thanks.
- Ginny

Sent from my iPhone